

MICHIGAN SUPREME COURT



Office of Public Information

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FOR IMMEDIATE RELEASE

MICHIGAN SUPREME COURT TO HOLD FIRST ORAL ARGUMENT OF 2002-2003 TERM NEXT WEEK

LANSING, MI, October 4, 2002 – The Michigan Supreme Court will hear its first oral argument of the 2002-2003 term on Tuesday, October 8, at 9:30 a.m. in the old Supreme Court chambers in the state Capitol. The case is *Dressel v. Ameribank* (see summary below).

Following the oral argument, the Supreme Court will adjourn for a procession of Justices and judges to the new Michigan Hall of Justice. A special session of the Supreme Court will be held at the Hall of Justice to dedicate the building.

(Please note: The summary that follows is a brief account of a complicated case and might not reflect the way in which some or all of the Court's seven Justices view the case. The attorneys may also disagree about the facts, the issues, the procedural history, or the significance of their case. For further details about these cases, please contact the attorneys.)

DRESSEL v AMERIBANK

Oral argument: Tuesday, October 8, 2002, 9:30 a.m.

Supreme Court chambers, State Capitol, 4th Floor

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At issue: Was it the practice of law for the bank to fill out mortgage documents as a lender party?

Background: In November 1997, Paul and Theresa Dressel closed on a home mortgage with AmeriBank. Ameribank charged the Dressels \$400 to for “document preparation.” In December 1998, the Dressels sued Ameribank in Kent County Circuit Court. The Dressels argued that the charge for completing mortgage documents constituted the unauthorized practice of law, was illegal under the laws regulating banks in Michigan, violated the Michigan Consumer Protection Act (MCPA), and ignored Michigan common law. The case was certified as a class action on March 22, 1999, to provide potential relief for any borrowers who had also been charged the “document preparation” fee. Kent County Circuit Judge Dennis Kolenda dismissed the plaintiffs’ suit. He concluded that Ameribank’s document preparation was not the practice of law. The judge indicated that the fee was merely an effort to pass along costs and earn a profit. The Court of Appeals reversed in a published decision. The unanimous panel concluded that “Defendant engaged in the unauthorized practice of law when it charged a separate fee for the preparation of legal documents.” AmeriBank appealed.

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